

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 13-0387 RE
)	
Dakota Hale,)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

On or about June 18, 2013, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Dakota Hale*, No. 13-0387 RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Dakota Hale’s real estate salesperson license (license no. 2005009725) is subject to disciplinary action by the Missouri Real Estate Commission (“Commission”) pursuant to § 339.100.2 (18) RSMo.¹

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on October 2, 2013, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent’s license. All of the members of the Commission were present throughout the meeting. Rosemary Vitale participated through conference call. Further, each member of

¹ All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Ron Dreisilker. Respondent having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the Default Decision, the Complaint upon which it was based and the record of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Dakota Hale*, Case No. 13-0387 RE, issued June 18, 2013, in its entirety and takes official notice thereof.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. Respondent failed to appear in person or through legal counsel at the hearing before the Commission

4. This Commission licensed Respondent Dakota Hale as a real estate salesperson, license number 2005009725. Respondent's salesperson license was not current at all times relevant to this proceeding. On March 5, 2011, Respondent's salesperson license was suspended

pursuant to § 324.010, RSMo for failure to pay and/or file income tax returns. Respondent's salesperson license expired September 30, 2012 for failure to renew.

II.

CONCLUSIONS OF LAW

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the Default Decision with the Complaint upon which the Default Decision was based, issued by the Administrative Hearing Commission dated June 18, 2013, in *Missouri Real Estate Commission v Dakota Hale*, Case No. 13-0387 RE, takes official notice thereof, and hereby enters its Conclusions of Law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated June 18, 2013, Respondent's real estate salesperson license, number 2005009725, is subject to disciplinary action by the Commission pursuant to § 339.100.2 (18) RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

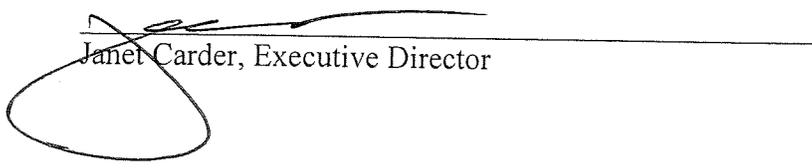
ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate salesperson license of Dakota Hale (license no. 2005009725) is hereby **REVOKED**. All evidence of licensure shall be immediately returned to the Commission.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 339, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 17th DAY OF October, 2013.

MISSOURI REAL ESTATE COMMISSION


Janet Carder, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE COMMISSION,)
)
Petitioner,)
)
vs.) No. 13-0387 RE
)
DAKOTA HALE,)
)
Respondent.)

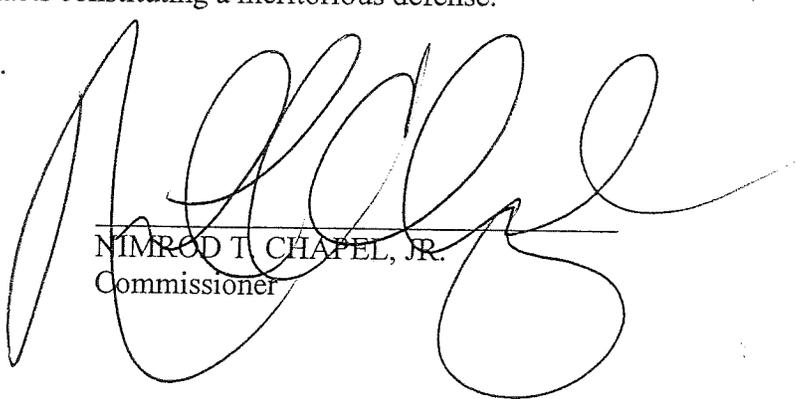
DEFAULT DECISION

On March 6, 2013, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by personal service on April 1, 2013.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint. On May 28, 2013, Petitioner filed a motion to enter a default decision. We gave Respondent until June 13, 2013, to respond, but she did not respond.

In accordance with § 621.100.2,¹ we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on June 18, 2013.



NIMROD T. CHAPEL, JR.
Commissioner

¹RSMo Supp. 2012.

**BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

MISSOURI REAL ESTATE)
COMMISSION)
3605 Missouri Boulevard)
P.O. Box 1339)
Jefferson City, MO 65102)
(573) 751-2628)

Petitioner,)

v.)

DAKOTA HALE)
Inmate #1119888)
Maryville Treatment Center)
30227 US Highway 136)
Maryville, MO 64468)
(660) 582-6542)

Respondent.)

FILED

MAR 06 2013

ADMINISTRATIVE HEARING
COMMISSION

No. 13-0387 RE

COMPLAINT

Petitioner, Missouri Real Estate Commission (“MREC”), by and through its attorney, the Attorney General of Missouri, states for its cause of action against Respondent:

1. The MREC is an agency of the State of Missouri created and existing pursuant to §339.120, RSMo Supp. 2012, for the purpose of executing and enforcing the provisions of §§ 339.010 to 339.180 and §§ 339.710 to 339.860, RSMo (as amended), relating to real estate salespersons and brokers.

2. Dakota J. Hale is licensed by the MREC as a real estate salesperson, no. 2005009725. At all times relevant herein, Hale's license was current and active until suspended on March 5, 2011.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 339.100, RSMo Supp. 2012.

4. On or about February 19, 2009, Hale pled guilty to Driving While Intoxicated, Alcohol, Prior Offender, a Class A misdemeanor offense, and Operating a Motor Vehicle on the Highway While Driving with License Revoked in the Vernon County Circuit Court, Case No. 08VE-CR00755. Hale was fined \$480.50 and sentenced to 48 hours in jail. The execution of the jail sentence was suspended and he was placed on probation for two years.

5. On or about March 17, 2009, Hale was found guilty in the Jasper County Circuit Court, Case No. 08AP-CR01313, of Driving While Intoxicated, Alcohol, a Class B misdemeanor. He was sentenced to 90 days in the County Jail and ordered to pay a fine of \$500. The Court suspended execution of sentence and placed him on unsupervised probation for six months.

6. On or about April 26, 2010, Hale pled guilty to Driving While Intoxicated-Combined Alcohol/Drug Intoxication-Aggravated Offender, a Class C felony, in the Newton County Circuit Court, Case No. 09NW-CR00665-01, and was sentenced to four years incarceration. On April 30, 2010, after completion of a SATOP course, execution of Hale's sentence was suspended and he was placed on probation for four years. On

July 25, 2011, Hale's probation was revoked due to use of alcohol, and his initial sentence for a four year prison sentence was reinstated.

7. On August 1, 2011, Hale pled guilty to Driving While Intoxicated, a Class C felony, in the Barton County Circuit Court, Case No. 11B4-CR00050, and was sentenced to five years incarceration, which is to run concurrent with the Newton County Driving While Intoxicated sentence.

8. Section 577.010, RSMo. states:

1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

9. The offenses Hale committed are reasonably related to the qualifications, functions, or duties of the profession licensed and regulated by Chapter 339, RSMo.

10. The offenses Hale committed involved moral turpitude.

11. Based on Hale's conduct, as stated above, cause exists to discipline his real estate salesperson license pursuant to § 339.100.2(18), RSMo., which states:

The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential

element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed[.]

WHEREFORE, Petitioner requests the Administrative Hearing Commission to conduct a hearing in this case pursuant to §§ 621.015 to 621.205, RSMo, if necessary, and issue its Findings of Fact and Conclusions of Law that Petitioner may take disciplinary action against the license of Respondent for the violations noted above and for other such relief as the Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER
Attorney General



Ron Dreisilker
Assistant Attorney General
Missouri Bar No. 64825
P. O. Box 899
Jefferson City, Missouri 65102
(573) 751-7728
(573) 751-5660 Facsimile

Attorneys for Petitioner